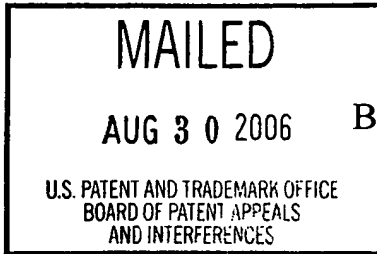


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte, MICHAEL LATARNIK, (DECEASED)
CHRISTINE LATARNIK (LEGAL REPRESENTATIVE)
SYLVIA MONIKA LATARNIK, (LEGAL REPRESENTATIVE)
EVA-MARIA LATARNIK, (LEGAL REPRESENTATIVE)
JOCHEN FUHRER, MARKUS BENDER and TOBIAS SCHELLER

Appeal No. 2006-0437
Application No. 10/018,269

ON BRIEF

Before FRANKFORT, CRAWFORD, and BAHR, Administrative Patent Judges.
FRANKFORT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 13 through 23, all of the claims remaining in the application. Claims 1 through 12 have been cancelled.

As noted on page 4 of the specification, appellants' invention relates to a method for the pressure modulation of brake pressures in a dual-circuit brake system which reduces noise emissions and enhances the possibility of braking intervention during braking by independent force, e.g., during traction slip control when the pressure that originates at the main pressure source (e.g., the brake cylinder/tandem master cylinder) is not sufficient to reach a defined control objective and an additional independent pressure fluid pump must be activated to supply an active pressure build-up for the defined controlling or regulating purpose. Known braking systems and methods of operation including use of one or more such additional independent pressure fluid pumps, and disadvantages associated therewith, are described on pages 1-4 of the specification. Appellants' improvement is set forth on pages 4-14 of the specification. Independent claim 13 is representative of the subject matter on appeal and reads as follows:

13. Method of modulating brake pressure of a vehicle brake circuit, comprising the steps of:

categorizing a vehicle brake circuit into a leading wheel brake circuit portion and a following wheel brake circuit portion;

determining brake pressure demands for the leading and following wheel brake circuit portions;

introducing, maintaining, and reducing the brake pressure of the following wheel brake circuit portion in dependence on the leading wheel brake circuit portion, such that a pressure fluid is introduced into the following brake circuit portion in a magnitude established by way of the leading wheel brake circuit portion.

Appeal No. 2006-0437
Application No. 10/018,269

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

| | | |
|-------------------------------|-------------------------|----------------|
| Burgdorf et al. (Burgdorf) | 5,918,948 | Jul. 06, 1999 |
| (PCT equiv.: Burgdorf et al. | WO96/02409 ¹ | Feb. 01, 1996) |

Claims 13 through 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Burgdorf.

Rather than attempt to reiterate the examiner's commentary with regard to the above-noted § 102 rejection and the conflicting viewpoints advanced by appellants and the examiner regarding that rejection, we make reference to the examiner's answer (mailed July 12, 2005) for the reasoning in support of the rejection, and to appellants' Corrected brief (filed May 26, 2005) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art Burgdorf reference, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we have made the determination that the examiner's § 102(b) rejection will not be sustained. Our reasons follow.

¹ As indicated on page 3 of the answer, the examiner is relying on U.S. Patent No. 5,918,948 to Burgdorf et al. as an English language equivalent of WO96/02409 and all references to the specification of the applied reference will be to the U.S. Patent.

After a careful review, we agree with appellants' assessment of the teachings of Burgdorf set forth on pages 4 and 5 of the corrected brief. More particularly, although Burgdorf generally discloses the same basic hydraulic brake system hardware as that set forth in the present application, there is nothing in Burgdorf that teaches or suggests appellants' method of modulating brake pressure in a vehicle brake circuit that includes categorizing the brake circuit into a leading wheel brake circuit portion and a following wheel brake circuit portion (as those terms are defined on page 5 of the present application) and then also teaches the particular type of interplay between the leading wheel brake circuit portion and the following wheel brake circuit portion set forth in the claims on appeal. Specifically, Burgdorf does not teach or suggest the step of introducing, maintaining, and reducing the brake pressure of the following wheel brake circuit portion "in dependence on the leading wheel brake circuit portion, such that a pressure fluid is introduced into the following wheel brake circuit portion in a magnitude established by way of the leading wheel brake circuit portion," as required in independent claim 13 on appeal.

In Burgdorf, it appears that during a pressure introducing phase, the separating valve (10) is closed, the switching valve (9) is open, and the return pump (7) generates a high pressure at the junction (21) which is limited by the pressure-limiting valve (28) to permit individual adjustment of the desired independent braking pressure in the wheel brake cylinders (17, 18) when both outlet valves (12, 16) are closed and both inlet valves (11, 15) are open (see col. 4, line 61 to col. 5,

line 22). The inlet valves (11, 15) are both eventually closed to provide a pressure maintaining phase. During a subsequent pressure reducing phase, both of the outlet valves (12, 16) are opened while the inlet valves (11, 15) remain closed to thereby reduce pressure in the brake cylinders (17, 18). Thus, as appellants have argued, Burgdorf discloses an independently actuated braking operation whereby individual adjustment of each wheel's braking pressure is adjusted by switching the inlet and outlet valves (11, 15) and (12, 16). In that regard, it appears that operation of Burgdorf's system is essentially the same as that described in the prior art on pages 1-4 of the present application.

In the final analysis, there is no teaching in Burgdorf that manipulation of the inlet and outlet valves is done in dependence on any other portion of the wheel brake circuit and no teaching of manipulating the inlet and outlet valves so that "a pressure fluid is introduced into the following brake circuit portion in a magnitude established by way of the leading wheel brake circuit portion," as in claim 13 on appeal.

The examiner's only rationale for urging that Burgdorf teaches appellants' claimed method is that the brake pressure increase, maintain, and reduction of the following wheel brake circuit portion in Burgdorf "is always depended upon the magnitude introduced by the leading wheel brake circuit, since the following wheel brake circuit is located further downstream than the leading wheel brake circuit with the pump" (answer, pages 6-7). We find nothing in Burgdorf or

Appeal No. 2006-0437
Application No. 10/018,269

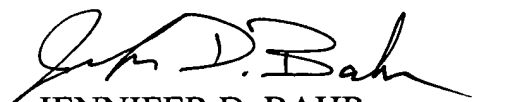
otherwise to support such an assertion, and no basis from which to conclude that such operation is inherent in the system of Burgdorf.

In light of the foregoing, we will not sustain the examiner's rejection of claim 13 under 35 U.S.C. § 102(b), or of dependent claims 14 through 23, based on Burgdorf. Thus, the decision of the examiner is reversed.

REVERSED


CHARLES E. FRANKFORT)
Administrative Patent Judge)


MURRIEL E. CRAWFORD)
Administrative Patent Judge)


JENNIFER D. BAHR)
Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES
)
)
)
)

CEF/vsh

Appeal No. 2006-0437
Application No. 10/018,269

HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS MI 48304-5048